

State of Wisconsin



1995 Senate Bill 588

Date of enactment: **May 20, 1996**
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1995 WISCONSIN ACT 343

AN ACT *to amend* 767.11 (8) (b) 2., 767.11 (10) (e) 2., 767.24 (2) (b) 2. c., 767.24 (5) (i), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and *to create* 940.20 (1m) of the statutes; **relating to:** battery by persons who are subject to harassment injunctions or domestic abuse injunctions and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 767.11 (8) (b) 2. of the statutes is amended to read:

767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a).

SECTION 2. 767.11 (10) (e) 2. of the statutes is amended to read:

767.11 (10) (e) 2. There is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a).

SECTION 3. 767.24 (2) (b) 2. c. of the statutes is amended to read:

767.24 (2) (b) 2. c. The parties will be able to cooperate in the future decision making required under an award of joint legal custody. In making this finding the court shall consider, along with any other pertinent items, any reasons offered by a party objecting to joint legal custody. Evidence that either party engaged in abuse of the child as defined in s. 48.981 (1) (a) and (b) or 813.122 (1) (a) or evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a) creates a rebuttable presumption that the parties will not be able to cooperate in the future decision

making required. This presumption may be rebutted by clear and convincing evidence that the abuse will not interfere with the parties' ability to cooperate in the future decision making required.

SECTION 4. 767.24 (5) (i) of the statutes is amended to read:

767.24 (5) (i) Whether there is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (a).

SECTION 5. 940.20 (1m) of the statutes is created to read:

940.20 (1m) BATTERY BY PERSONS SUBJECT TO CERTAIN INJUNCTIONS. (a) Any person who is subject to an injunction under s. 813.12 or a tribal injunction filed under s. 813.12 (9) (a) and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class E felony.

(b) Any person who is subject to an injunction under s. 813.125 and who intentionally causes bodily harm to the petitioner who sought the injunction by an act done without the consent of the petitioner is guilty of a Class E felony.

SECTION 6. 971.37 (1m) (a) 2. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of s. 940.19, 940.20 (1m) or (3), 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012 and the conduct constituting the violation involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child.

SECTION 7. 973.055 (1) (a) 1. of the statutes is amended to read:

973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m) or (3), 940.21, 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012 or of a municipal ordinance conforming to s. 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012; and

SECTION 8. Initial applicability.

(1) This act first applies to offenses occurring on the effective date of this subsection.